

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

April 9, 2008

6:30 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

April 9, 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 15261 Brookhurst Street (southwest corner of Brookhurst and Bishop Streets); City Negotiator: City Manager Ray Silver, Police Chief Andy Hall and Economic Development Specialist Chet Simmons; Negotiating Party: Miriam Warne (Warne Ranch LLC); Under Negotiation: Price and Terms of Payment.

RECESS:

AGENDA

April 9, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Recognition of Lauren Hay-Lavitt – First Place Winner at the Westminster Kennel Club Show
- B. Recognition of Westminster High School's Academic Decathlon Team – First Place Winners at the Orange County Academic Decathlon

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

April 9, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of February 27, 2008 and March 12, 2008.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Proclamation declaring April 26, 2008 as National Arbor Day in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.3 **Proclamation declaring April 13-19, 2008 as National Crime Victims' Rights Week in the City of Westminster.**

RECOMMENDATION: Approve.

- 1.4 **Purchase of One Used Sedan for the Code Enforcement Division.** (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an increase to Purchase Order No. 4339 with Ray's Auto Sales in the amount of \$18,000 for the purchase of one used sedan.

AGENDA

April 9, 2008

1. CONSENT CALENDAR (Continued)

1.5 Increase Purchase Order with Huntington Court Reporters for Police Transcription Services for 2007-2008. (Andrew Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize an increase of \$12,000 to Purchase Order No. 4063 with Huntington Court Reporters for police related transcription services.

1.6 Agreement to Transfer Property or Funds for 2007 Homeland Security Grant Program Purposes. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with the County of Orange to transfer property or funds for 2007 Homeland Security Grant Program purposes and authorize the Chief of Police to execute the agreement on behalf of the City.

1.7 (City/Agency) Amendment No. 2 to Consulting Agreement for Administration of Housing Rehabilitation Programs in FY 2007-2008. (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve Amendment No. 2 to the Consulting Services Agreement with Comprehensive Housing Services, Incorporated and authorize the City Manager/Executive Director to execute the Amendment on behalf of the City/Agency.

1.8 Purchase of One (1) One Ton Truck with Flatbed & Cabinets – Unit No. 2304. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the purchase of one (1) One Ton Truck with Flatbed and Cabinets in the amount of \$33,264.44 from Theodore Robbins Ford.

ADMINISTRATIVE ITEMS

1.9 Administrative Approval of fee waiver for Orange County Clerk of the Board for the use of the Council Chambers to host a Workshop on Tuesday, April 15, 2008 from 4:00 p.m. – 8:30 p.m. (Greg Johnson)

RECOMMENDATION: Staff recommends that the City Council receive and file the report.

WARRANT REGISTER

1.10 (City Council/Redevelopment Agency) Warrant Register dated March 19 through April 1, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

AGENDA

April 9, 2008

1. CONSENT CALENDAR (Continued)

INFORMATION AND REPORTS

- 1.11 Minutes of the Planning Commission meeting held March 5, 2008.
(Don Anderson)

RECOMMENDATION: Receive and file.

- 1.12 Minutes of the Energy Commission meetings held January 10, January 24,
and March 6, 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.13 Minutes of the Cultural Arts Commission meeting held February 7, 2008.
(Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.14 Treasurer's Report – February 2008. (Paul Espinoza)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

* * * * *

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None.

AGENDA

April 9, 2008

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

4.1 REVIEW OF ORDINANCE NO. 2429 – AMENDMENT TO TITLE 17 (LAND USE ORDINANCE) OF THE WESTMINSTER MUNICIPAL CODE TO REQUIRE APPLICANTS TO POST A PUBLIC HEARING NOTICE AT THE SITE TO WHICH A HEARING PERTAINS. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

 Speaking in Favor

 Speaking in Opposition

 Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2429 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use) of the Westminster Municipal Code to amend Section 17.05.020 Public Hearing Notice Posting to require applicants to post a public hearing notice at the site to which the hearing pertains”, and waive further reading

AGENDA

April 9, 2008

4. PUBLIC HEARINGS (Continued)

4.2 WEED ABATEMENT – SPRING, 2008 (Marwan Youssef)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

 Speaking in Favor

 Speaking in Opposition

 Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Overrule any objections received for the abatement of the weeds, and
- 2) Adopt Resolution No. 4145 entitled, “A Resolution of the Mayor and City Council of the City of Westminster determining and declaring that certain weeds are growing upon certain streets, sidewalks, parkways, and private property in the City of Westminster, and rubbish and refuse have been deposited upon sidewalks, parkways, and private property in the City, and that the same are a public nuisance; ordering and directing the City Manager to have said weeds destroyed and to have rubbish and refuse removed as required by law”.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Appeal of Police Permit Revocation for Beach Girls Bar Located at 15549 Beach Boulevard. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council deny the appeal of the Police Permit Revocation for Beach Girls Bar located at 15549 Beach Boulevard.

AGENDA

April 9, 2008

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 Select Study Session Meeting Dates for the Review of Current Water Rate Structure. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council consider the dates of Monday, June 2, 2008, Monday, June 23, 2008 or Monday, June 30, 2008 to hold a study session on the review of the current water rate structure.

6.3 Selection of Date for the Fiscal Year 2008-09 and 2009-10 Budget Study Session. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council select *Monday, May 5, 2008* as the date for a study session to review the fiscal year 2008-09 and 2009-10 budget. Suggested alternative dates for the study session are Wednesday, May 7, 2008 or Tuesday, May 13, 2008.

6.4 Selection of Special Meeting date for the approval of the form of bond documents, preliminary official statements and bond purchase agreements for the refinancing of the Series 1997 A Tax Allocation Bonds, 1998 A Certificates of Participation Civic Center Refunding Bonds and the 1998 B Water System Refunding Bonds. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council select *Wednesday, April 16, 2008* as the date for the Special Meeting.

7. WRITTEN COMMUNICATIONS (Public) –None.

8. LEGISLATIVE ITEMS –

8.1 Ordinance No. 2430 - City Initiated Code Amendment Relating to Graffiti. (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2430 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster to amend Sections 9.38.010 through 9.38.090 of Title 9 (Public Peace, Morals and Welfare) of the Westminster Municipal Code, relating to Graffiti", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS – None.

10. COUNCIL/AGENCY ADJOURNMENT: To Tuesday, April 22, 2008 at 5:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, CA to discuss the conceptual design and project budget for the new police facility.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary